REMARKS

The present application has been amended in response to the Examiner's Office Action to place the application in condition for allowance. Applicant, by the amendments presented above, has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance.

In the Office Action, the Examiner objected to many of the claims based on informalities. It is believed that all of these rejections have been addressed in this amendment, therefore, it is respectfully requested that the Examiner's objections be withdrawn.

In the Office Action the Examiner rejected claims 1, 9, 10, 15, 18 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over United States Patent No. 5,940,598 (Strauss et al.) in view of United States Patent No. 5,852,631 (Scott) and in further view of United States Patent No. 6,021,114 (Shaffer et al.). In making the rejection, the Examiner pointed out that Strauss in view of Scott does not disclose monitoring at the first gateway the demodulated data to be transmitted over the narrowband network, suspending the transmission of signals from the first modem if a transmission rate of the demodulated data to be transmitted over the narrowband network exceeds a first value; and resuming the transmission of signals from the first modem if the transmission rate is less that a second value. However, according to the Examiner, Shaffer discloses such a method.

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Claim 1 has been amended such that it now claims, among other things:

1. determining if an amount of demodulated data waiting in a buffer to be transmitted over the narrowband network exceeds a first value and if so, generating a valid receive not ready (RNR) frame, modulating the RNR frame at the first gateway, and transmitting the RNR frame to the first modem, thereby suspending the transmission of signals from the first modem; and

2. determining if the amount of demodulated data waiting in the buffer to be transmitted over the narrowband network is less than a second value and, if so, generating a valid receive ready (RR) frame, modulating the RR frame at the first gateway, and transmitting the RR frame to the first modem, thereby resuming the transmission of signals from the first modem.

Applicant respectfully submits that a combination of Strauss et al., Scott and Shaffer et al. does not provide the invention as set forth in claim 1. In rejecting claim 1, the Examiner pointed out that Strauss in view of Scott does not disclose monitoring at the first gateway the demodulated data to be transmitted over the narrowband network, suspending the transmission of signals from the first modem if a transmission rate of the demodulated data to be transmitted over the narrowband network exceeds a first value; and resuming the transmission of signals from the first modem if the transmission rate is less that a second value.

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Claim 1 has been amended to specifically claim "determining if an amount of demodulated data waiting in a buffer to be transmitted over the narrowband network exceeds a first value . . . ." Applicant respectfully submits that Strauss in view of Scott does not disclose this step. Applicant also respectfully submits that Shaffer et al. does not disclose this either. In Shaffer et al., the number of lines being used to communicate is monitored and kept below a pre-determined number. In other words, Shaffer et al. monitors an ongoing transmission, and determines whether any additional lines can be used. Shaffer et al. does not disclose or suggest determining if an amount of demodulated data waiting in a buffer to be transmitted over the narrowband network exceeds a first value.

Claim 1 has also been amended to specifically claim "if so (i.e., if it is determined that an amount of demodulated data waiting in a buffer to be transmitted over the narrowband network exceeds a first value), generating a valid receive not ready (RNR) frame, modulating the RNR frame at the first gateway, and transmitting the RNR frame to the first modem, thereby suspending the transmission of signals from the first modem. Applicant respectfully submits that none of the references cited by the Examiner, alone or in combination (including Strauss et al., Scott and Shaffer et al.) discloses or suggests as such.

Claim 1 has also been amended to specifically claim "determining if the amount of demodulated data waiting in the buffer to be transmitted over the narrowband network is less than a second value . . . ." Applicant respectfully submits that Strauss in view of Scott does not disclose this step. Applicant also respectfully submits that Shaffer et al. does not disclose this either. In Shaffer et al., the number of lines being used to communicate is monitored and kept below a pre-determined number. In other words, Shaffer et al. monitors an ongoing

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transmission, and determines whether any additional lines can be used. Shaffer et al. does not

disclose or suggest determining if an amount of demodulated data waiting in a buffer to be

transmitted over the narrowband network is less than a second value.

Claim 1 has also been amended to specifically claim "if so (i.e., if it is determined that an

amount of demodulated data waiting in a buffer to be transmitted over the narrowband network is

less than a second value), generating a valid receive ready (RR) frame, modulating the RR frame

at the first gateway, and transmitting the RR frame to the first modem, thereby resuming the

transmission of signals from the first modem. Applicant respectfully submits that none of the

references cited by the Examiner, alone or in combination (including Strauss et al., Scott and

Shaffer et al.) discloses or suggests as such.

Furthermore, while the Examiner pointed out that Hatta discloses the use of RNR and RR

frames, Applicant respectfully submits that the reference does not teach as such in connection

with the present context (i.e., a partial V.42 solution) and that, absent such teaching or

motivation, such implementation would not be obvious to one of ordinary skill in the art.

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Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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